

REMARKS

The Examiner has restricted the claims into four groups: Group I (claims 1-41 and 48-63) drawn to compositions comprising one or more nucleic acid molecules, one or more peptides or proteins and one or more transfection agents; Group II (claims 42-47 and 64-71) drawn to compositions comprising a component of a transfection agent covalently linked to a peptide or protein or a modified peptide; Group III (claims 72-74) drawn to an NLS sequence modified by covalent bonding and Group IV (claims 75-77) drawn to a peptide comprising a Tat sequence modified by covalent bonding. Within Groups I and II, the Examiner has required the election of certain species.

Applicants elect the claims of Group I, with traverse. The claims of all of Groups I-IV are related in that they are all directed to compositions for transfection of cells and methods of use of such compositions. The compositions are linked generically as indicated in claim 1 by the types of components which are in the compositions. In view of the relationship among the claims, prosecution of all of the claims of Groups I-IV would not represent an undue burden upon the Patent Office. Applicants respectfully request withdrawal of the restriction requirement.

Within the Group I claims, the Examiner has required election of "a single monovalent cationic lipid from claim 11, a single polyvalent cationic lipid from claim 13 or a single dendrimer from claims 15 and 62 as well as election of a single peptide or protein from claims 31 and 59." Applicants elect polyvalent cationic lipids of claim 13 and more specifically the polycationic lipid DOSPA. Applicants further elect the peptide or protein that is a herpes simplex virus VP22 protein or fragments thereof". Applicants make the election of species with traverse because, as indicated by the Examiner, the application contains various generic linking claims which are believed to be allowable. Applicants respectfully request withdrawal of the requirement for an election of species.

Amendment of the Claims

Claims 2, 16-18, 20, 21, 24-28, 31, 36-38, 43-45, 47, 49, 50, 56-58, 65, 66 and 71 have been amended to correct obvious typographic and clerical errors (spelling, grammar and punctuation) and to improve antecedent basis among the claims. The term "and/or" has been replaced in a number of claims. Markush language has been corrected in claim 66. None of these amendments changes the scope of the claims.

Claims 8, 9, 15, 19, 46, 59-63, 67-70, and 72-77 have been cancelled in view of the requirement for restriction and election. Applicants reserve the right to pursue any of the cancelled claims in one or more continuing applications.

New claims 78-93 have been added. The new claims are fully supported in the specification. Claims 78, 79, 81, 82 and 83 are supported in the specification at page 16, lines 20-25. Claim 80 is supported in the specification at page 14, lines 7-8. Claim 84 is supported by original claim 12 (see also pages 10 and 35 of the specification). Claims 85, 86 and 88 are supported in the specification at page 37, lines 1-19. Claim 87 is supported in the specification at page 33, lines 25-26. Claim 89 is supported on page 23 of the specification and in original claim 31, as well as in the discussion of protein fragments on page 26, lines 7-15. Claim 90 is supported by original claim 12. Claim 91 is supported by original claim 13. Claim 92 is supported by original claim 7. Claim 93 is supported by original claim 51. The new claims do not add new matter to the application.

All of claims 1-7, 12-14, 16-18, 20-45, 47-58, 64-66, 71, 78-93 read on the elected species.

Conclusion

This amendment cancels 17 claims and adds 16 claims. No additional fees for added claims are believed to be necessary. This submission is accompanied by a Petition for Extension of Time of Five (5) months with appropriate fee. If the enclosed fee is incorrect, please charge any deficiency or credit any overpayment to deposit account 07-1969.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sally A. Sullivan", written over a horizontal line.

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